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10 *Attorneys for Plaintiff, Federal National Mortgage Association*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 FEDERAL NATIONAL MORTGAGE
14 ASSOCIATION,

15 Plaintiff,

16 vs.

17 EVA ARRIBA; and PECOS ESTATES
18 HOMEOWNERS ASSOCIATION,

19 Defendants.

Case No.: 2:18-cv-00399-JCM-CWH

**STIPULATION AND ORDER FOR
FINAL JUDGMENT AND DISMISSAL**

20 COME NOW Plaintiff Federal National Mortgage Association (“Fannie Mae”), by and
21 through its counsel of record, Dana Jonathon Nitz, Esq. and Christina V. Miller, Esq., of the law
22 firm Wright, Finlay & Zak, LLP, and Defendant Pecos Estates Homeowners Association (the
23 “HOA”), by and through its counsel of record, Thomas E. McGrath, Esq. and Christopher A.
24 Lund, Esq., of the law firm Tyson & Mendes LLP, and hereby stipulate and agree as follows:

25 WHEREAS, March 5, 2018, Fannie Mae filed its Complaint against Defendant Eva
26 Arriba (“Arriba”) and the HOA, asserting the following causes of action: (1) Declaratory Relief
27 Under 12 U.S.C. § 4617(j)(3) (against Arriba only); (2) Quiet Title Under 12 U.S.C. § 4617(j)(3)
28 (against Arriba only); (3) Declaratory Relief Under Amendments V and XIV to the United States
Constitution (against Arriba only); (4) Quiet Title Under Amendments V and XIV to the United
States Constitution (against Arriba and the HOA); (5) Permanent and Preliminary Injunction
(against Arriba only); (6) Unjust Enrichment (against Arriba and the HOA); (7)

1 Wrongful/Defective Foreclosure (against the HOA only); (8) Negligence (against the HOA
2 only); (9) Negligence Per Se (against the HOA only); (10) Breach of Contract (against the HOA
3 only); (11) Misrepresentation (against the HOA only); and (12) Breach of the Covenant of Good
4 Faith and Fair Dealing (against the HOA only).

5 WHEREAS, Arriba failed to answer or otherwise respond to the Complaint. On
6 September 12, 2018, Default was entered against Arriba [ECF No. 24] and, on December 17,
7 2018, Default Judgment was entered against Arriba. ECF No. 30.

8 WHEREAS, on May 29, 2018, the HOA filed a Motion to Dismiss [ECF No. 10], which
9 was subsequently granted, and Fannie Mae's seventh, eighth, ninth, tenth, eleventh and twelfth
10 causes of action were dismissed against the HOA.

11 WHEREAS, Fannie Mae's fourth and sixth causes of action remain pending against the
12 HOA.

13 IT IS HEREBY STIPULATED AND AGREED that the Deed of Trust recorded against
14 the Property on June 26, 2003, in the official records of the Clark County Recorder's Office as
15 Instrument Number 20030626-0003187 ("Deed of Trust"), was not extinguished by the
16 homeowner's association foreclosure sale on March 5, 2014, but remains a valid encumbrance
17 against the Property and Arriba's interest in the Property remains subject to that Deed of Trust.

18 IT IS FURTHER STIPULATED AND AGREED that the HOA shall not challenge any
19 foreclosure pursuant to the Deed of Trust and shall not take any action to delay and/or enjoin
20 such foreclosure.

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1 IT IS FURTHER STIPULATED AND AGREED that Fannie Mae hereby dismisses its
2 remaining causes of action against the HOA, with each party to bear its own fees and costs.

3 DATED this 21st day of December, 2018.

DATED this 21st day of December, 2018.

4 WRIGHT, FINLAY & ZAK, LLP

TYSON & MENDES, LLP

5
6 /s/ Christina V. Miller

Christina V. Miller, Esq.

7 Nevada Bar No. 12448

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9 *Attorneys for Plaintiff Federal*

National Mortgage Association

/s/ Christopher A. Lund

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Attorneys for Defendant Pecos Estates

Homeowners Association

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12 **IT IS SO ORDERED.**

13 DATED December 27, 2018.

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16 UNITED STATES DISTRICT JUDGE